

Terms of Reference
Procurement Complaints Committee
(March 2023)

Role

The role of the Procurement Complaints Committee (“PCC” or the “Committee”) is to ensure that procurement decisions and positions taken by the Bank, as referred to PCC by PPAD or PODD, in response to procurement complaints submitted by participants in a procurement process comply with the Bank’s Procurement Policies and Rules (in case of client-led procurement processes) or the Bank’s Corporate Procurement Policy (in case of Bank-led procurement processes).

Responsibilities

The PCC is responsible for the following matters:

- It reviews and determines the Bank's position relative to complaints arising from tendering for goods, works, services as well as consultancy services (including those funded by Technical Cooperation grants or the Bank’s budget) carried out in accordance with the Bank’s policies, directives and procedures for procurement matters.

Members and attendance

The members of the PCC are:

- Director, Chief Counsel, Banking Operations (Chair)
- Director, Corporate Debt, Banking Portfolio (Alternate Chair)
- MD, Central Asia, Banking
- Director, Investigations, OCCO

The Chair may call upon relevant Bank staff to attend specific agenda items.

With the Chair’s approval, Committee members may nominate alternates to attend meetings on their behalf.

In case a matter before the PCC turns on the assessment of technical matters outside the competence of PCC members, or on other complex issues giving rise to a need for

advice from external experts, the Chair may request the appointment of one or more suitably qualified consultants to assist in the Committee's deliberations.

Secretariat

The Director, Procurement Policy and Advisory Department serves as the Secretary of PCC for matters related to the Procurement Policies and Rules.

The Director, Procurement Operations and Delivery Department serves as the Secretary of PCC for matters related to the Corporate Procurement Policy.

The respective Secretary is responsible for providing administrative support and managing the Committee's meeting schedule, reviewing received procurement complaints and conducting the presentation of documents including findings and recommendations to the Committee in accordance with templates and procedures determined by the Secretary and preparation and circulation of minutes. The respective Secretary may delegate the responsibilities to a nominated staff member in their departments.

Procedures

The PCC will be convened, as necessary, by the Chair who will decide whether to consider and determine matters on a no-objection basis or in a meeting.

The Chair will make the final decision on matters presented to the Committee for determination.

The participation by three (3) members of the PCC constitutes a quorum.

The Chair may refer the matter for consideration and decision to the Executive Management Committee, and this will be recorded in the minutes of the meeting.

Where a Committee member does not agree with a decision of the Chair, that Committee member may, during the meeting, notify the Chair that they wish to escalate the decision to the Executive Management Committee, and this will be recorded in the minutes of the meeting.